

Planning Commission Hearing Minutes
DATE: September 11, 2018

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair		Gabrielle Collard, Division Manager of Current Planning
Arlene Perkins – Vice Chair		Scott Waxter, Assistant City Attorney
Kelly Russell – Alderman & Secretary		Marshall Brown, City Planner
Ron Burns		Cherian Eapen, Traffic Engineer
Alan Imhoff – Alternate		Jessica Murphy, Administrative Assistant

I. **ANNOUNCEMENTS:**

Ms. Collard made the following announcements about upcoming events and opportunities:

- The Workshop Agenda with attachments will be available online Wednesday, September 12, 2018 for the workshop scheduled for Monday, September 17, 2018 at 2pm in the Municipal Annex Building.
- The City of Frederick is currently seeking interested persons to serve on the Planning Commission and Historic Preservation Commission. Interested individuals should send a cover letter and a current resume or email to Pam Stocksdale, Mayor's Office manager, 101 N. Court St., Frederick, MD 21701, or email pstocksdale@cityoffrederick.com.
- The Historic Preservation Commission (HPC) has completed its final draft of amendments to the Frederick Town Historic District Design Guidelines. They can be found on The City of Frederick website, <http://www.cityoffrederick.com/1125/Draft-Guidelines-Amendments>. Public input is strongly encouraged. Please submit comments and questions by email to FTHDGuidelines@cityoffrederick.com, or call the Planning Department at 301-600-1499. The HPC requests public comment at commission hearings at 6 p.m. on both Sept. 13 and 27 in the City Hall boardroom. Commissioners are scheduled to vote on a recommendation to the Board of Aldermen at the conclusion of public comment on Sept. 27. The guidelines will not be implemented until they are adopted by the Board of Aldermen at a subsequent date.

II. **APPROVAL OF MINUTES:**

Approval of the **August 13, 2018** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Imhoff

SECOND: Commissioner Burns

VOTE: 4-1. (Commissioner Perkins Abstained)

Approval of the **August 20, 2018** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Burns

VOTE: 4-1. (Commissioner Imhoff Abstained)

Approval of the **September 7, 2018** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Imhoff

VOTE: 5-0.

III. PUBLIC HEARING-SWEARING IN:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

V. OLD BUSINESS:

A. PC18-479ZMA, Zoning Map Amendment, 401 Linden Avenue

Ms. Collard entered the entire staff report into the record. There was public comment on this item.

Matthew Greene of 1101 Poplar Street advised he's been to every meeting and wanted to thank staff for their report on the project, he especially, wanted to thank Mr. Brown for being patient and answering lots of questions throughout the process. Mr. Greene told the Commission he truly loves his neighborhood and that it's very eclectic.

Larry Dawson of 206 Hoke Place asked the Planning Commission to help keep their neighborhood.

Jeremy Bruno of 201 Linden Avenue advised that he feels the staff report is accurate and echoes what his neighbors Mr. Greene and Mr. Dawson said. Mr. Bruno advised he is not opposed to development, just not this type of development.

Nancy Leishman of 904 Chestnut Street advised her concern is increased traffic on Linden Avenue.

Kim Loop of 906 Chestnut Street asked the Planning Commission what bearing the letter received at the hearing would have on their decision with the rezoning. She advised that 84 units is too much for the neighborhood and doesn't feel there was any mistake in the zoning.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to recommend denial to the Mayor and Board of Aldermen for the rezoning of the Property collectively known as 401 Linden Avenue from Low Density Residential (R6) to High Density Residential (R16) based on the finding that the Applicant has not provided compelling evidence to show that the factual predicates relied upon by the legislative body during the most recent comprehensive rezoning were invalid or that the legislative body failed to take into account then-existing facts and therefore, the Applicant's argument does not constitute grounds for a mistake in the original R6 zoning of the Property.

With the following findings of fact in accordance with Section 306 (c)(7):

- A. That the rezoning to R16 will constitute a significant increase in the maximum development potential of the Property, which will generate an increased population beyond what would be generated under the R6 zoning.
- B. That that site is located in a developed area of the City and is served by existing public facilities including water, sewer, schools, roads as well as life safety and emergency services, and that the allowable density in the proposed zoning district could significantly increase demands to public infrastructure, including water and sewer line capacity, roads, schools, parkland, as well as fire and life safety infrastructure;
- C. That the local pedestrian, vehicular, and bicycle infrastructure serving the Property is not constructed to City standards, including a network of streets for which right of way has been dedicated, but never constructed, and that the demand created by the R16 zoning will be significantly greater than that created by the R6 zoning.
- D. That rezoning to R16 will allow development patterns that are not compatible with surrounding low-density residential uses; and
- E. That the 2010 Comprehensive Plan Land Use is a generalized map which does not reflect a parcel-by-parcel analysis as was conducted with the zoning of the Property and therefore, the designation of a portion of the Property as high density residential on that map should be weighed against the potential impacts on population, public facilities, transportation patterns, and compatibility with the surrounding community in the context of other guiding policies of the Comprehensive Plan, including Land Use Policy 1, Land Use Policy (LU) Policy 1, which is to encourage development in the surrounding community to be compatible with the character of existing or planned development in the vicinity. In that context, Staff finds the request to be incompatible with the Comprehensive Plan.

SECOND: Commissioner Perkins

VOTE: 5-0

VI. NEW BUSINESS:

B. PC18-387MU, Master Plan, Bloomfield

Ms. Collard entered the entire staff report into the record. There was no public comment on this item.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

C. PC18-664ZTA, Text Amendment, Places of Worship

Ms. Collard entered the entire staff report into the record. There was public comment on this item.

John Clapp Attorney for Evangelical Reform Church advised that the Church has undergone a huge expansion project that spurred a lot of litigation. Mr. Clapp met with staff and did a lot of research on what is a permitted use at a church. He advised the easiest way he felt this would work would be to have a list of what's allowed as a permitted use at church in the text amendment.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to support a recommendation from the Planning Commission to the Mayor and Board of Aldermen for the amendments to Sections 607, *Parking and Loading Standards*, 803 *Accessory Uses and Structures*, and 1002, *Definitions*, of the Land Management Code (LMC) as proposed in the draft ordinance finding that they are consistent with the other regulations of the Land Management Code and that the changes implement goals of the 2010 Comprehensive Plan.

SECOND: Commissioner Imhoff

VOTE: 5-0

D. PC18-588ZMA, Zoning Map Amendment, B&O Avenue

Mr. Brown entered the entire staff report into the record. There was no public comment on this item.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

Meeting approximately adjourned at 7:30 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant